



*National Oceanic and Atmospheric
Administration
National Marine Fisheries Service*



Compliance Guide for the Pacific Coast Groundfish Fishery Vessel Monitoring Program

The regulations summarized in this guide will be effective on February 4th, 2008 to enhance monitoring of closed areas.

WHY DOES THE PACIFIC COAST GROUND FISH FISHERY NEED A VESSEL MONITORING PROGRAM?

A vessel monitoring program is an enforcement tool that can be used to monitor compliance with areas closed to fishing. Since the vessel monitoring pilot program was implemented on January 1, 2004, new closed areas have gone into effect and the Council has prioritized expanding the original requirements to the Open Access commercial groundfish fleet in order to monitor compliance with groundfish conservation areas. The groundfish conservation areas include Rockfish Conservation Areas (RCAs), Cowcod Conservation Areas (CCAs), Cordell Banks Closed Area, Farallon Islands Closed Areas, Essential Fish Habitat Conservation Areas (EFHCAs), and Yelloweye Rockfish Conservation Areas (YRCAs). A complete description of these closed areas, including detailed location information and to which sectors and gears they apply, is available on the NMFS Northwest Region website by clicking on "Groundfish & Halibut", "Groundfish Fishery Management", then "Groundfish Closed Areas". Over time, the groundfish conservation areas will likely change. The National Marine Fisheries Service (NMFS) will keep the fishing fleet informed as these changes are made.

PARTS OF THE VESSEL MONITORING PROGRAM

The Pacific Coast vessel monitoring program consists of a vessel monitoring system and declaration reports. The vessel monitoring system (VMS) consists of equipment that tracks a vessel's geographic position through a satellite communication system. A VMS transceiver unit is installed aboard the vessel that communicates via a satellite to a processing center. For the Pacific Coast program, a basic VMS system with 1-way communication will be used to track vessel activity in relation to closed areas within 200 nautical miles along the Pacific coast. The declaration reports are reports given by fishermen before a fishing trip to identify which gear type will be used for fishing, which fishery they are participating in, and if the vessel operator intends to fish within an RCA. Declaration reports are necessary for all fisheries required to have VMS and reports must be provided to NMFS Office of Law Enforcement (OLE) before a vessel leaves port.

COMMONLY ASKED QUESTIONS

Vessel Monitoring Systems (VMS)

Q: Who is required to have VMS?

A: Any vessel registered to a limited entry groundfish permit must have VMS to fish in state or federal waters (0-200 nautical miles offshore). Non-groundfish trawl vessels, vessels that use trawl gear but are not registered to limited entry groundfish permits, must have VMS to fish in federal waters (3-200 nautical miles offshore). Any vessel using non-trawl gear, that is not registered to a limited entry groundfish permit, must have VMS on trips in which groundfish are taken and retained, possessed or landed in federal waters (3-200 nautical miles offshore).

Q: Does a non-trawl vessel that is not registered to a limited entry groundfish permit need to have VMS if the vessel is used to fish in state waters and only transits through Federal waters with groundfish onboard?

A: Yes, VMS is required.

Q: Does a non-trawl vessel that is not registered to a limited entry groundfish permit need to have VMS to fish in both state and federal waters on the same trip when only groundfish from state waters are retained?

A: Yes, VMS is required.

Q: Which VMS units and communications service providers can I use?

A: A list of the type-approved VMS units for the open access fishery was published in the Federal Register on October 26, 2007 (72 FR 60826). This notice is posted on the NMFS Northwest Region's web page (www.nwr.noaa.gov). If your vessel is registered to a limited entry permit and currently has a VMS unit type-approved for that fishery, you are not required to replace your VMS unit.

Q: What are the vessel owner's responsibilities?

A: The vessel owner must install and use (according to NMFS OLE installation and operation instructions) a type-approved VMS transceiver unit 24 hours per day; establish a service agreement with a type-approved communication service provider; send an activation report at least 72 hours prior to leaving port on the first trip that requires VMS and maintain a valid declaration report with NMFS OLE.

Q: What if VMS transmissions are interrupted?

A: When you become aware that VMS transmissions have been interrupted, or when notified by NMFS OLE that position reports are not being received, you must contact NMFS OLE and follow the instructions.

Q: Who pays for the costs associated with VMS?

A: The vessel owner or operator is responsible for purchasing the VMS equipment and paying all charges from the communication service provider to ensure continuous operation of the VMS transceiver units. Vessel owners may be reimbursed for the cost of some VMS units. Information regarding reimbursement is available from Pacific States Marine Fisheries Commission web page

(www.psmfc.org).

Q: Can a VMS transceiver unit be registered to more than one vessel at the same time?

A: No, a VMS unit may only be registered and used on one vessel.

Q: Can I have a back-up VMS transceiver unit certified and ready to go if the first unit fails?

A: Yes, but the second VMS unit must be certified ahead of time and designated as a back-up unit.

Activation Reports

Q: What is an activation report?

A: An activation report is used by NMFS to verify that a type-approved unit was installed correctly, has been activated, and is sending a position report. It is also used to match VMS transceiver unit signals with a specific vessel.

Q: How do I submit an activation report?

A: The installation/activation report form can be obtained from the NMFS Northwest Region web page (www.nwr.noaa.gov). After installation and at least 72 hours before leaving port on the first trip that requires VMS, follow the instructions on the installation/activation report form, sign the VMS certification statement and submit it to NMFS by facsimile or mail. You must receive confirmation from NMFS OLE that your unit is working before you may participate in the fishery.

Q: Do I need to send a new activation report following reinstallation of a VMS unit or change in service provider?

A: Yes.

Declaration reports

Q: Who must send declaration reports?

A: Any vessel required to have VMS must also provide a declaration report. Tribal vessels using trawl gear to fish in the trawl RCA, must send a declaration report.

Q: What information is included in a declaration report?

A: Declaration reports include: the vessel name and/or identification number, and gear type. NMFS has prepared an example worksheet to help callers organize report information. A copy of this worksheet can be printed from the NMFS Northwest Region web page (www.nwr.noaa.gov)

Q: When are declaration reports required?

A: Declaration reports must be submitted before a vessel leaves port on the first trip in which the vessel is required to have VMS. A new declaration report must be submitted before leaving port on a trip in which a different gear type will be used. Tribal trawl vessels must submit a declaration report before the first trip in which the vessel is used to fish in the trawl RCA.

Q: How long are declaration reports valid?

A: A declaration report is for a specific gear type and will be valid from the time that the declaration is made for that gear and until a new declaration report is sent for another type of gear. A vessel

cannot fish with a gear other than the gear that has been declared without a revising their declaration report.

Q: When do I revise a declaration report?

A: A declaration report needs to be revised before leaving port on a trip in which a new gear type is going to be used to fish.

Q: How do I submit a declaration report?

A: Declaration reports are submitted by using a toll free phone-in system. The phone-in system, can be accessed by dialing 1-888-585-5518. Reports may be submitted 24 hours a day.

Q: With a phone-in system, what proof will I have that I sent a declaration report?

A: A confirmation number that verifies a report was sent is provided by NMFS. NMFS recommends that operators retain the confirmation code because it is verification that a valid declaration report was filed.

Q: Can more than one gear type be declared in a single declaration report?

A: Vessels using non-trawl gear may declare more than one gear type providing that all the declared gears are consistent with the non-trawl RCA requirements. However, vessels using trawl gear may only declare one type of trawl gear.

Exemptions

Q: Can I get an exemption from the VMS requirement?

A: Exemptions may be allowed when an exemption report is submitted to NMFS OLE for the following conditions: 1) when the vessel will be continuously out of the water for more than 7 consecutive days, 2) if the vessel is operating in waters further than 200 nautical miles off Washington, Oregon, or California for more than 7 consecutive days; 3) when the limited entry permit has been transferred from the vessel and the vessel is not used for fishing; 3) when your open access vessel will not be taking and retaining groundfish in the EEZ during the new fishing year; and 4) within 72 hours of an emergency situation that is beyond the vessel owner's control.

Q: How do I submit or cancel an exemption report?

A: Exemption reports are submitted and cancelled by using a toll free phone-in system. The phone-in system, can be accessed by dialing 1-888-585-5518. Vessel operators may to submit reports 24 hours a day.

Q: When do I submit an exemption report?

A: With the exception of an emergency exemption, exemption reports must be submitted at least 2 hours and not more than 24 hours before the exempted activity.

Q: How long is an exemption report valid?

A: An exemption report is valid until NMFS OLE receives a report canceling the exemption or until NMFS OLE receives a new activation report.

Transiting provisions

Q: What are the regulatory provisions regarding transiting GCAs and who is affected by them?

A: Any vessel may only be in an applicable Groundfish Conservation Area (GCA) for the purposes of continuous transit and all applicable gear must be stowed in accordance with gear/fishery-specific stowage requirements. Continuous transiting means that a fishing vessel crosses a groundfish conservation area or EFH conservation area on a constant heading, along a continuous straight line course, while making way by means of a source of power at all times, other than drifting by means of the prevailing water current or weather conditions.

FOR FURTHER INFORMATION CONTACT:

VMS transceiver unit installation or operation, declaration reports, or enforcement questions:

NMFS Office of Law Enforcement (NMFS OLE)

206-526-6133

http://www.nmfs.noaa.gov/ole/nw_northwest.html

Phone-in System for declaration reports, installation/activation, and exemption reports:

1-888-585-5518

VMS Reimbursement Program

Pacific States Marine Fishery Commission

503-595-3100

www.psmfc.org

Regulatory questions:

Groundfish Branch NMFS, Northwest Region

206-526-6140

www.nwr.noaa.gov

Click on "Groundfish & Halibut", "Groundfish Fishery Management", and then on "Vessel Monitoring System"

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This guide is published in compliance with section 212 of the Small Business Regulatory Enforcement Fairness Act and is intended to provide a plain-language summary of how small businesses can comply with the regulations finalized on December 7, 2007 for a vessel monitoring program in the Pacific Coast groundfish fishery.